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Case No. MD-06-0164A

INTERIM FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER FOR SUMMARY SUSPENSION OF LICENSE

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1 abuse and diversion of opiates while employed with the United States Army as a civil service
2 physician. Respondent also admitted to being arrested and charged in 1998 for solicitation of a
3 prostitute using a government credit card.

4 5. On March 2, 2005 Respondent appeared before the Texas Medical Board. On
5 June 3, 2005 the Texas Medical Board issued Findings of Fact that included the following:

6 a. Respondent was investigated by the South Korean Police and the United
7 States Military for allegations of sexual molestation of his adopted child and allegations of
8 chemical dependency.

9 b. Treatment records document Respondent was voluntarily admitted for
10 relapse of sexual dependency and chemical dependency. The records indicate Respondent
11 admitted fondling his son.

12 c. The Seoul Central District Court, South Korea determined Respondent had
13 committed "obscene acts."

14 d. The United States Military determined Respondent committed larceny of
15 government property (wrongful possession of opiates taken from a government facility).

16 e. Respondent self-reported the intemperate use of drugs or alcohol that
17 could adversely affect the ability to practice medicine safely.

18 f. Respondent admitted he suffers from a potentially dangerous limitation or
19 an inability to practice medicine with reasonable skill and safety by reason of illness or as a result
20 of a physical or mental condition.

21 6. On April 22, 2005 Respondent applied for an Arizona medical license and
22 answered "no" to questions 13, 15, 23, 24 and 25. The questions read as follows:

23 Question 13: "Have you ever been found to be in violation of any statute, rule or
24 regulation of any domestic or foreign governmental agency?"
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1 In answering "no" Respondent failed to disclose an August 2004 conviction in
2 Seoul District Court, South Korea for child sexual abuse and drug diversion.

3 Question 15: "Are you currently under investigation by any medical board or peer
4 review body?"

5 In answering "no" Respondent failed to disclose he was under investigation by the
6 Washington Medical Board and the Texas Medical Board for the 2004 child sexual abuse
7 and diversion conviction.

8 Question 23: "Have you been found guilty or entered a plea of no contest to a
9 felony or misdemeanor involving moral turpitude in any state?"

10 In answering "no" Respondent failed to disclose the August 2004 conviction.

11 Question 24: "Do you have or have you had within the last five years any medical
12 condition that in any way impairs or limits your ability to safely practice medicine?"
13 ("Medical Condition" is defined on the application as including mental or psychological
14 conditions or disorders such as, but not limited to, emotional or mental illness).

15 In answering "no" Respondent failed to disclose his sexual addiction disorder and
16 his illness or mental condition to the Board.

17 Question 25: "Within the last five years have you been diagnosed, treated or
18 admitted to a hospital or other facility for the treatment of bi-polar disorder, schizophrenia,
19 paranoia or any psychotic disorder."

20 In answering "no" Respondent failed to disclose a 2003 treatment in California for
21 sexual addiction and his chemical dependency.

22 7. On his Arizona application Respondent swore under oath that all the information
23 contained in his application was true and correct. Respondent also acknowledged that
24 falsification or misrepresentation of any item or response on his application was adequate to
25

1 deny his application or to hold a hearing to revoke his license if one were issued based on the
2 application. Respondent's Arizona license was issued on June 27, 2005.

3 8. On November 30, 2005 the Texas Medical Board suspended Respondent's
4 license due to his admission that he was unable to safely practice medicine. On December 9,
5 2005 the Washington Department of Health notified Respondent of disciplinary action proposed
6 against his Washington license. The facts alleged by Washington included that in May 2003 and
7 for sometime thereafter Respondent, by his own admission, was self-treating with Percocet and
8 Tylox for his Charcot-Marie tooth disease, a congenital foot deformity and tension headaches;
9 that in January 2004 Respondent's son was removed from his home by South Korean child
10 protective services and criminal charges were brought against him; and Respondent's August
11 2004 conviction. On January 27, 2006 the California Medical Board notified Respondent that his
12 license was suspended based on the action of the Texas Medical Board.

13 9. On his application for an Arizona license Respondent failed to disclose his
14 criminal conviction for child sexual abuse and drug diversion, failed to disclose he was under
15 investigation by the Washington and Texas Medical Boards, failed to disclose his medical
16 condition that impaired or limited his ability to safely practice medicine, and failed to disclose his
17 treatment for sexual addiction and chemical dependency.

18 10. On February 16, 2006 Board Staff contacted Respondent to verify which state(s)
19 took action against his license and why. Respondent informed Board Staff he "was wondering
20 when [they] were going to contact [him]." Respondent reported his license was suspended in
21 California and Texas for an investigation that began in March 2004 in Washington for his
22 conviction in South Korea for drug diversion and child sexual abuse. Respondent stated his
23 2004 criminal sentence included three years probation. Respondent denied being ordered to
24 attend any type of counseling or education as part of his probation. Respondent indicated he
25 was allowed to leave Korea once he was convicted and sentenced.

1 11. Respondent also indicated that in 2003 while working in a Korean hospital he was
2 caught diverting Tylox through the Pyxis system in the hospital. Respondent stated he diverted
3 30 tablets and took one to two tablets, but not on a daily basis. Respondent stated he disclosed
4 to the hospital administration that he had previously been in a sexual addiction treatment
5 program in 1998 and, according to Respondent, the hospital considered the diversion a relapse,
6 and sent him back to the hospital in California for a twenty-eight day rehabilitation program.
7 Respondent stated after he completed the program he returned to South Korea. According to
8 Respondent, he was charged with child sexual abuse after the contents of a journal he kept
9 during treatment was turned over to the Seoul Police Department and he was charged with child
10 sexual abuse for "retracting the foreskin of his eighteen month old adopted son during a bath."
11 According to Respondent, that procedure of bathing a child is not acceptable in Korea.

12 12. Respondent also reported that in order to have the charges of solicitation of a
13 prostitute dropped and avoid any disciplinary action against his medical license he was required
14 to complete a sexual addiction program. Respondent stated he met with the Washington
15 Physician Health Program for evaluation of impairment and narcotic or alcohol addiction.
16 Respondent reported he was not found to be chemically dependent or addicted to drugs or
17 alcohol. Respondent stated the only pending matter is the child sexual abuse issue.
18 Respondent stated he did not answer the Arizona application questions "yes" because he did not
19 think the South Korean conviction would show up in the United States. Respondent admitted he
20 did not answer all of the questions on the application appropriately.

21 13. The facts as presented demonstrate that the public health, safety or welfare
22 imperatively requires emergency action.

23 INTERIM CONCLUSIONS OF LAW

24 1. The Board possesses jurisdiction over the subject matter hereof and over
25 Respondent, holder of License No. 34267 for the practice of allopathic medicine in the State of

1 Arizona.

2 2. The conduct and circumstances described above constitute unprofessional
3 conduct pursuant to A.R.S. § 32-1401(27)(d) (“[c]ommitting a felony, whether or not involving moral
4 turpitude, or a misdemeanor involving moral turpitude. In either case, conviction by a court of
5 competent jurisdiction or a plea of no contest is conclusive evidence of the conviction”); 32-
6 1401(27)(f) (“[h]abitual intemperance in the use of alcohol or habitual substance abuse”); 32-
7 1401(27)(o) (“[a]ction that is taken against a doctor of medicine by another licensing or regulatory
8 jurisdiction due to that doctor’s mental or physical inability to safely engage in the practice of
9 medicine, the doctor’s medical incompetence or for unprofessional conduct as defined by that
10 jurisdiction and that corresponds directly or indirectly to an act of unprofessional conduct
11 prescribed by this paragraph”); 32-1401(27)(q) (“[a]ny conduct or practice that is or might be
12 harmful or dangerous to the health or the patient or the public”); 32-1401(27)(aa) (“[p]rocurring or
13 attempting to procure a license to practice medicine or a license renewal by fraud, by
14 misrepresentation or by knowingly taking advantage of the mistake of another person or an
15 agency”); and 32-1401(27)(jj) (“[k]nowingly making a false or misleading statement to the board or
16 on a form required by the board or in written correspondence, including attachments, with the
17 board”).

18 3. The Board on its own motion may investigate any evidence that appears to show
19 that a doctor of medicine is or may be medically incompetent, is or may be guilty of unprofessional
20 conduct or is or may be mentally or physically unable to safely engage in the practice of medicine.

21 4. Based on the foregoing Interim Findings of Fact and Conclusions of Law, the public
22 health, safety or welfare imperatively requires emergency action. A.R.S. § 32-1451(D).

23 **ORDER**

24 Based on the foregoing Interim Findings of Fact and Conclusions of Law, set forth above,
25

1 IT IS HEREBY ORDERED THAT:

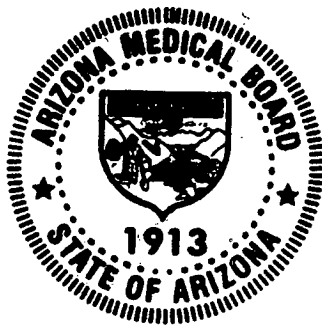
2 1. Respondent's license to practice allopathic medicine in the State of Arizona,
3 License No. 34267, is summarily suspended pending a formal hearing before an Administrative
4 Law Judge from the Office of Administrative Hearings.

5 2. The Interim Findings of Fact and Conclusions of Law constitute written notice to
6 Respondent of the charges of unprofessional conduct made by the Board against him.
7 Respondent is entitled to a formal hearing to defend these charges as expeditiously as possible
8 after the issuance of this order.

9 3. The Board's Executive Director is instructed to refer this matter to the Office of
10 Administrative Hearings for scheduling of an administrative hearing to be commenced as
11 expeditiously as possible from the date of the issuance of this order, unless stipulated and agreed
12 otherwise by Respondent.

13 DATED this 22 day of February 2006.

14
15 [SEAL]



ARIZONA MEDICAL BOARD

16
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18 By Amade Belh
19 Timothy C. Miller, J.D.
Executive Director

20 ORIGINAL of the foregoing filed this
21 22nd day of February, 2006, with:

22 Arizona Medical Board
23 9545 East Doubletree Ranch Road
24 Scottsdale, Arizona 85258
25

1 **EXECUTED COPY** of the mailed by
2 US certified mail this 22nd day of
3 February 2006 to:

4 Lance A. May, M.D.
5 (Address of record)

6 Executed copy of the foregoing mailed by
7 first class mail this 22nd day of February 2006
8 to:

9 Dean Brekke
10 Assistant Attorney General
11 Arizona Attorney General's Office
12 1275 West Washington, CIV/LES
13 Phoenix, Arizona 85007

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